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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

blication No.

: 10/612,806

Med

July 2, 2003

**Applicants** 

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Larry J. Pacey

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Title

Gaming Machine Having Multiple Level Progressive

Feature With Player Controlled Outcome

TC/A.U.

3713

Examiner

Not Assigned

Docket No.

47079-00208USPT

Customer No.

30223

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria,

VA 22313-1450, on February 23, 2005.

Signature:

Christine Kozic

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## FIFTH INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §§ 1.97 AND 1.98

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Fifth Information Disclosure Statement be entered, and the references listed on enclosed Form PTO-1449 be considered by the Examiner and made of record. In accordance with the waiver of 37 C.F.R. § 1.98(a)(2)(i) for submitting a copy of each cited U.S. patent and publication for all U.S. national patent applications filed after June 30, 2003, only copies of the foreign references are enclosed.

In accordance with 37 C.F.R. §§ 1.97(g) and (h), this Fifth Information Disclosure Statement is not to be construed as a representation that a search has been made, or an admission that the information disclosed is, or is considered to be, prior art with respect to the present application or material to patentability, as defined in 37 C.F.R. § 1.56.

This Fifth Information Disclosure Statement is being filed prior to receipt of a first Office Action reflecting an examination on the merits and, hence, is believed to be timely in accordance with 37 C.F.R. § 1.97(b). Accordingly, no fee is believed to be due.

Should any fee be deemed necessary (except payment of the issue fee), however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 10-0447 (47079-00208USPT). A duplicate copy of this Statement is enclosed for that purpose.

Respectfully submitted,

Date: February 23, 2005

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Form PTO-1449 (modified) 10/612,806 Application No.: LIST OF ART CITED BY APPLICANT July 2, 2003 Filing Date: First Named Inventor: Allon G. Englman Group Art Unit: 3713 Examiner: Sheet 1 of 1 47079-00208USPT Attorney Docket No.: U.S. PATENT DOCUMENTS Examiner Sub-Filing Date (if Initial Ref. Document Number Date Name Class Class Application) 2003/0050106-A1 03/13/03 09/04/01 Αl Lyfoung 463 13 A2 4,948,134-A 08/14/90 Suttle et al. 273 85 11/27/89 A3 5,544,892-A 08/13/96 273 292 02/14/95 Breeding A4 6,206,374-B1 03/27/01 273 292 08/16/99 Jones FOREIGN PATENT DOCUMENTS Examiner Sub-Translation Initial Ref. **Document Number** Yes/No Date Country Class Class В1 WO/03/026754-A1 04/03/03 **WIPO** A63F 5/00 b2 GB 2,313,792A 10/12/97 United Kingdom A63F 5/00 OTHER DOCUMENTS (including author, title, date, pertinent pages, etc.)

## OTHER DOCUMENTS (including author, title, date, pertinent pages, etc.) Examiner Initial Ref. Document Information EXAMINER DATE CONSIDERED

<sup>\*</sup>Examiner: Initial if citations considered, whether or not citation is in conformation with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.